

EXHIBIT
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ORAL AND VIDEOTAPED DEPOSITION OF BASIL LEO RILEY, III

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION
C.M. COLLINS, N.J. LUNDY)
and R.C.L. MAYS,)
individually and on behalf)
of all others similarly)
situated,)
Plaintiffs,)
vs.) CIVIL ACTION NO.
4:22-cv-1073
CATASTROPHE RESPONSE UNIT,)
INC. and CATASTROPHE)
RESPONSE UNIT USA, INC.,)
Defendants.)

VIDEOTAPED ORAL DEPOSITION OF
BASIL LEO RILEY, III
OCTOBER 18, 2023

VIDEOTAPED ORAL DEPOSITION OF BASIL LEO
RILEY, III, produced as a witness at the instance
of the Defendants, and duly sworn, was taken in the
above-styled and numbered cause on October 18th,
2023, from 9:35 a.m. to 4:55 p.m., before RENE A
SEGGERN, CSR, in and for the State of Texas,
reported by machine shorthand via Zoom Video
Conference, pursuant to the Federal Rules of Civil
Procedure and the provisions stated on the record
or attached hereto.

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A P P E A R A N C E S

FOR THE PLAINTIFFS:

O'BRIEN LAW FIRM

Mr. Kerry O'Brien
1011 Westlake Drive
Austin, Texas 78746
(512) 410-1960
KO@obrienlawpc.com

FOR THE DEFENDANTS:

HALLETT & PERRIN, P.C.

Mr. Monte K. Hurst
1445 Ross Avenue
Suite 2400
Dallas, Texas 75202
(214) 953-0053
Monte.Hurst@hallettperrin.com

ALSO PRESENT:

Mr. David Repinski
Mr. Adam Dickens
Ms. Erica Taylor, Videographer

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P R O C E E D I N G S

THE VIDEOGRAPHER: Good morning. We
are now on the record at 9:35 a.m. on October 18th,
2023.

Would counsel please identify themselves,
please state any agreements for the record and
after which the court reporter will swear in the
witness.

MR. O'BRIEN: Kerry O'Brien
representing Mr. Riley.

MR. HURST: Monte Hurst and Kristen
Brumbalow representing the defendants in this case.

We are taking this deposition pursuant to
the Rules, court order and agreement.

MR. O'BRIEN: Agreed.

BASIL LEO RILEY III,
having been first duly sworn, testified as follows:

E X A M I N A T I O N

BY MR. HURST:

Q Good morning, Mr. Riley. My name is Monte
Hurst and I'm with the law firm of Hallett & Perrin
and I represent CRU, or Catastrophe Response Unit
in this case; do you understand that?

A Yes, yes, I do.

Q Before we go into your testimony I'd like

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1 Q Which business expenses did you claim that
2 related to New Millennium in 2021 or 2022?

3 **A I believe it was a computer.**

4 Q The one that you're on right now?

5 **A No. You said 2021 taxes?**

6 Q '21 or '22.

7 **A Oh, yes, well, '21 taxes. '22 I haven't**
8 **filed yet.**

9 Q You have not filed taxes for the year
10 2022?

11 **A Correct.**

12 Q Did you file taxes for the year 2021?

13 **A Yes.**

14 Q And did you claim any business expenses on
15 those taxes?

16 **A For New Millennium, yes, I believe so. I**
17 **think I did. I think -- was it a computer? I**
18 **would have to look.**

19 Q We would be able to see that by looking at
20 your tax return for 2021?

21 MR. O'BRIEN: Objection, form.

22 **A I haven't looked at it in a while, but I'm**
23 **pretty sure if I claimed it, it would be on there.**

24 Q (BY MR. HURST) You haven't filled out
25 your taxes for 2022?

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1 were deployed by CRU?

2 **A No.**

3 **MR. O'BRIEN: Objection, form.**

4 Q (BY MR. HURST) And nor did you file any
5 business expenses or submit any business expenses
6 that pertain to your deployment at CRU in 2021?

7 MR. O'BRIEN: Objection, form.

8 **A Correct, I have not.**

9 Q (BY MR. HURST) I'm sorry if I asked you
10 this question before, but I don't -- I don't think
11 I asked it the way I'm going to ask it. Your tax
12 returns would show what business expenses you've
13 claimed in each of the years you performed services
14 for CRU, correct?

15 MR. O'BRIEN: Objection, form.

16 **A I have -- my business taxes would not. I**
17 **haven't claimed any business expenses pertaining to**
18 **CRU. I don't know if that's what you asked.**

19 Q (BY MR. HURST) It was not.

20 **A I'm sorry.**

21 Q That's okay. I would say -- let me ask it
22 again. Your tax returns would show what business
23 expenses, if any, you have claimed in each of the
24 years when you performed services for CRU?

25 MR. O'BRIEN: Objection, form.

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1 MR. O'BRIEN: Objection, form.

2 **A No.**

3 Q (BY MR. HURST) Do you intend to do so?

4 **A Yes.**

5 Q You just got an extension of a year or so?

6 **A Yes.**

7 Q Do you have a tax preparer?

8 **A Yes.**

9 Q Who is that?

10 **A Tiffany Jackson. Tiffany Jackson, I**
11 **think. I mean, I think it's Tiffany Jackson. I**
12 **would have to look it up.**

13 Q And do you know whether you're going to
14 claim any business expenses on your 2022 taxes?

15 **A It all depends on what my partner has done**
16 **with the business attorney.**

17 **MR. O'BRIEN: Objection, form, by the**
18 **way.**

19 Q (BY MR. HURST) What your partner has done
20 with the business attorney, what does that mean?

21 **A They filed the company taxes and there's a**
22 **Schedule K or K-1 that's issued. I wait for that**
23 **K-1 so I can file it with my personal taxes.**

24 Q Would you be claiming any taxes -- excuse
25 me, any business expenses for the time that you

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1 **A It would show business taxes related to**
2 **New Millennium. Wouldn't show any -- go ahead, I'm**
3 **sorry.**

4 Q (BY MR. HURST) It would show any business
5 expenses you claimed?

6 **A Yes.**

7 Q Regardless of where you were working or
8 what you were claiming for?

9 MR. O'BRIEN: Objection, form.

10 Q (BY MR. HURST) Is that correct?

11 **A Yes.**

12 Q Where did you go to high school?

13 **A King High.**

14 Q Tampa?

15 **A Correct.**

16 Q What year did you graduate?

17 **A '92.**

18 Q I understand that you have a BA in
19 economics from the University of South Florida?

20 **A Correct.**

21 Q You attained that in 2003?

22 **A Correct.**

23 Q And you have a master's of accounting and
24 financial management from Keller Graduate School of
25 Business?

ORAL AND VIDEOTAPED DEPOSITION OF BASIL LEO RILEY, III

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1 I, BASIL LEO RILEY, III, have read the
2 foregoing deposition and hereby affix my signature
3 that same is true and correct, except as noted
4 above.

5 _____
6 BASIL LEO RILEY, III

7 THE STATE OF _____
8 COUNTY OF _____

9 Before me, _____, on this day
10 personally appeared BASIL LEO RILEY, III, known to
11 me (or proved to me under oath or through
12 _____) to be the person whose name is
13 subscribed to the foregoing instrument and
14 acknowledged to me that they executed the same for
the purposes and consideration therein expressed.

15 Given under my hand and seal of office this _____
16 day of _____, 2023.

17 _____
18 NOTARY PUBLIC IN AND FOR THE
19 STATE OF _____

20 MY COMMISSION EXPIRES: _____
21
22
23
24
25

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1 ____X____ was requested by the deponent and/or a
2 party before completion of the deposition.
3 _____ was not requested by the deponent and/or
4 a party before the completion of the deposition.

5 I further certify that I am neither
6 attorney nor counsel for, nor related to or
7 employed by any of the parties to the action in
8 which this deposition is taken and further that I
9 am not a relative or employee of any attorney of
10 record in this cause, nor am I financially or
11 otherwise interested in the outcome of the action.

12 The amount of time used by each party at
13 the deposition is as follows:

14 Mr. Monte K. Hurst - 5 hours, 10 minutes
15 Mr. Kerry O'Brien - 1 minute

16 Subscribed and sworn to on this 29th day
17 of October, 2023.

18 
19 _____
20 Renea Seggern, CSR #7262
21 Certification Expires 04-30-2025
22 Bradford Court Reporting, L.L.C.
23 Firm Registration #38
24 7015 Mumford Street
25 Dallas, Texas 75252
Telephone (972) 931-2799
Facsimile (972) 931-1199

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13 INC. and CATASTROPHE)
14 RESPONSE UNIT USA, INC.,)

15 Defendants.)

16 _____
17 DEPOSITION OF BASIL LEO RILEY, III
18 OCTOBER 18, 2023
19 _____

20 I, RENEA SEGGERN, Certified Shorthand
21 Reporter in and for the State of Texas, do hereby
22 certify to the following:

23 That the witness, BASIL LEO RILEY, III,
24 was by me duly sworn and that the transcript of the
25 oral deposition is a true record of the testimony
given by the witness.

I further certify that pursuant to Federal
Rules of Civil Procedure, Rule 30(e)(1)(A) and (B)
as well as Rule 30(e)(2), that review of the
transcript and signature of the deponent: